

Calendar No. 268

106TH CONGRESS
1ST SESSION

S. 299

[Report No. 106-148]

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1999

Mr. MCCAIN (for himself, Mr. INOUE, Mr. CONRAD, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 8, 1999

Reported by Mr. CAMPBELL, with an amendment

[Insert the part printed in *italic*]

A BILL

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN**
2 **HEALTH.**

3 (a) ESTABLISHMENT.—There is established within
4 the Department of Health and Human Services the Office
5 of the Assistant Secretary for Indian Health in order to,
6 in a manner consistent with the government-to-govern-
7 ment relationship between the United States and Indian
8 tribes—

9 (1) facilitate advocacy for the development of
10 appropriate Indian health policy; and

11 (2) promote consultation on matters related to
12 Indian health.

13 (b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—
14 In addition to the functions performed on the date of en-
15 actment of this Act by the Director of the Indian Health
16 Service, the Assistant Secretary for Indian Health shall
17 perform such functions as the Secretary of Health and
18 Human Services (referred to in this section as the “Sec-
19 retary”) may designate. The Assistant Secretary for In-
20 dian Health shall—

21 (1) report directly to the Secretary concerning
22 all policy- and budget-related matters affecting In-
23 dian health;

24 (2) collaborate with the Assistant Secretary for
25 Health concerning appropriate matters of Indian

1 health that affect the agencies of the Public Health
2 Service;

3 (3) advise each Assistant Secretary of the De-
4 partment of Health and Human Services concerning
5 matters of Indian health with respect to which that
6 Assistant Secretary has authority and responsibility;

7 (4) advise the heads of other agencies and pro-
8 grams of the Department of Health and Human
9 Services concerning matters of Indian health with
10 respect to which those heads have authority and re-
11 sponsibility; and

12 (5) coordinate the activities of the Department
13 of Health and Human Services concerning matters
14 of Indian health.

15 (c) REFERENCES.—Reference in any other Federal
16 law, Executive order, rule, regulation, or delegation of au-
17 thority, or any document of or relating to the Director
18 of the Indian Health Service shall be deemed to refer to
19 the Assistant Secretary for Indian Health.

20 (d) RATE OF PAY.—

21 (1) POSITIONS AT LEVEL IV.—Section 5315 of
22 title 5, United States Code, is amended—

23 (A) by striking the following:

24 “Assistant Secretaries of Health and Human
25 Services (6).”; and

1 (B) by inserting the following:

2 “Assistant Secretaries of Health and Human
3 Services (7).”.

4 (2) POSITIONS AT LEVEL V.—Section 5316 of
5 title 5, United States Code, is amended by striking
6 the following:

7 “Director, Indian Health Service, Department
8 of Health and Human Services.”.

9 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN
10 HEALTH.—Section 601(a) of the Indian Health Care Im-
11 provement Act (25 U.S.C. 1661(a)) is amended—

12 (1) by inserting “(1)” after “(a)”;

13 (2) in the second sentence of paragraph (1), as
14 so designated, by striking “a Director,” and insert-
15 ing “the Assistant Secretary for Indian Health,”;
16 and

17 (3) by striking the third sentence of paragraph
18 (1) and all that follows through the end of the sub-
19 section and inserting the following: “The Assistant
20 Secretary for Indian Health shall carry out the du-
21 ties specified in paragraph (2).

22 “(2) The Assistant Secretary for Indian Health
23 shall—

1 “(A) report directly to the Secretary concerning
2 all policy- and budget-related matters affecting In-
3 dian health;

4 “(B) collaborate with the Assistant Secretary
5 for Health concerning appropriate matters of Indian
6 health that affect the agencies of the Public Health
7 Service;

8 “(C) advise each Assistant Secretary of the De-
9 partment of Health and Human Services concerning
10 matters of Indian health with respect to which that
11 Assistant Secretary has authority and responsibility;

12 “(D) advise the heads of other agencies and
13 programs of the Department of Health and Human
14 Services concerning matters of Indian health with
15 respect to which those heads have authority and re-
16 sponsibility; and

17 “(E) coordinate the activities of the Depart-
18 ment of Health and Human Services concerning
19 matters of Indian health.”.

20 (f) CONTINUED SERVICE BY INCUMBENT.—The indi-
21 vidual serving in the position of Director of the Indian
22 Health Service on the date preceding the date of enact-
23 ment of this Act may serve as Assistant Secretary for In-
24 dian Health, at the pleasure of the President after the
25 date of enactment of this Act.

1 (g) CONFORMING AMENDMENTS.—

2 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-
3 PROVEMENT ACT.—The Indian Health Care Im-
4 provement Act (25 U.S.C. 1601 et seq.) is
5 amended—

6 (A) in section 601—

7 (i) in subsection (c), by striking “Di-
8 rector of the Indian Health Service” both
9 places it appears and inserting “Assistant
10 Secretary for Indian Health”; and

11 (ii) in subsection (d), by striking “Di-
12 rector of the Indian Health Service” and
13 inserting “Assistant Secretary for Indian
14 Health”; and

15 (B) in section 816(c)(1), by striking “Di-
16 rector of the Indian Health Service” and insert-
17 ing “Assistant Secretary for Indian Health”.

18 (2) AMENDMENTS TO OTHER PROVISIONS OF
19 LAW.—The following provisions are each amended
20 by striking “Director of the Indian Health Service”
21 each place it appears and inserting “Assistant Sec-
22 retary for Indian Health”:

23 (A) Section 203(a)(1) of the Rehabilitation
24 Act of 1973 (29 U.S.C. 761b(a)(1)).

1 (B) Subsections (b) and (e) of section 518
2 of the Federal Water Pollution Control Act (33
3 U.S.C. 1377 (b) and (e)).

4 (C) Section 803B(d)(1) of the Native
5 American Programs Act of 1974 (42 U.S.C.
6 2991b-2(d)(1)).

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